

News Release



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MSHA takes steps to induce West Virginia mine operator to pay fines *Agency asks Mine Commission to order payment of more than \$600,000*

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) today announced it has filed a formal objection to Pay Car Mining Inc.’s request to reopen final orders amounting to \$26,777 in civil penalties. Pay Car Mining, 17 other mine operators and 33 mines are controlled by James C. Justice II. Between April 2008 and February 2009, five different Justice-controlled operators filed 15 requests to reopen final orders with penalties of \$608,182.

“Pay Car Mining Inc. has not submitted any evidence to support its claims,” said Michael A. Davis, MSHA’s deputy assistant secretary for operations. “Furthermore, we believe the operator’s conduct in this case is part of an overall pattern of carelessness in ensuring that penalty assessments are timely contested or paid.”

The operator of Pay Car Mining Inc., which is located in McDowell County, W.Va., filed its request with the Federal Mine Safety and Health Review Commission (Mine Commission), alleging that it missed the deadline to contest the penalties due to an “inadvertent mistake.” Uncontested fines must be paid within 30 days of receipt by the mine operator.

The other Justice-controlled operators with pending requests to reopen final orders at the commission are Double Bonus Coal Co., Dynamic Energy Inc., Frontier Coal Co., Bluestone Coal Co. and Justice Highwall Mining Inc. MSHA is objecting to most of the 15 requests and has asked the commission to deny them. If the cases are reopened, MSHA is asking the commission to order the operators to pay the full amount of the penalty as a condition of reopening – subject to refund by MSHA – pending an administrative law judge’s decision on the merits of the citations and penalties.

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